

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

BRYAN KAWAND SIMS,

Plaintiff

VS.

BRIAN OWENS, et. al.,

Defendants

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CIVIL No: 5:13-CV-0385-CAR-CHW

ORDER ON RECOMMENDATION

Plaintiff Bryan Kawand Sims, a prisoner currently confined at Baldwin State Prison, filed this *pro se* civil rights complaint under 42 U.S.C. § 1983. As required by 28 U.S.C. § 1915A(a), the United States Magistrate Judge conducted a preliminary review of Plaintiff's Complaint and thereafter recommended that Plaintiff's claims against Commissioner Brian Owens be dismissed. Plaintiff filed an Objection (Doc. 9) to the Magistrate Judge's Recommendation in which he alleges that Commissioner Owens instituted a policy that resulted in a violation of his constitutional rights. The Court will consider the additional allegations in Plaintiff's Objection to be a motion to amend his Complaint; and this motion is granted. See Newsome v. Chatham Cnty. Detention Cntr., 256 F. App'x 342, 344-45 (11th Cir. 2007).

The Court has now thoroughly considered the Recommendation of the United States Magistrate Judge, Plaintiff's Objection, and his additional allegations. While the Court finds no error in the Magistrate Judge's Recommendation, the Court will, in light of the additional allegations in Plaintiff's Objection, reject the Recommendation and allow the claims against Commissioner Owens to go forward for further factual development. It is thus **ORDERED** that Commissioner Owens be served and that he file a Waiver of Reply, an Answer, or such other response as may be appropriate under Rule 12 of the Federal Rules of Civil Procedure, U.S.C. § 1915, and the Prison Litigation Reform Act. Defendant is also reminded of his duty to avoid unnecessary expenses and of the possible imposition of expenses for failure to waive service under Rule 4(d).

SO ORDERED, this 5th day of November, 2013.

S/ C. Ashley Royal
C. ASHLEY ROYAL, JUDGE
UNITED STATES DISTRICT COURT

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